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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,250	12/21/2000	Dimitris Katsamberis	60,137-162	9508

26096 7590 11/04/2004
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EXAMINER

PIZIALI, ANDREW T

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/747,250

Applicant(s)

KATSAMBERIS ET AL. 

Examiner

Andrew T Piziali

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 8,22-32 and 34.Claim(s) withdrawn from consideration: 1-4,9-11,16-21 and 33.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:


Applicant's arguments were not persuasive.

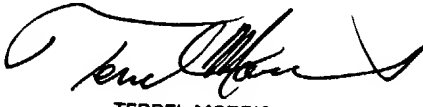
The applicant asserts that Simmons is nonanalogous art. The examiner respectfully disagrees. Simmons is in the field of applicant's endeavor, which is decorative articles such as faucets, and Simmons is more than reasonably pertinent to the particular problem with which the applicant was concerned, which is providing improved corrosion resistance and to level substrates by forming a smooth hard surface.

The applicant asserts that Simmons teaches replacing a copper layer with a polymer layer, but that Simmons does not teach replacing a nickel layer with a polymer layer. The examiner respectfully disagrees. Simmons clearly states, "The OPB replaces the copper leveling step in the electroplating process and may also replace the depositing of nickel" (column 6, lines 38-40).

The applicant asserts that Welty teaches against the replacement of the nickel layer because the nickel layer provides corrosion resistance and acts as a leveling layer. The examiner respectfully disagrees. Simmons states, "A suitable hard high temperature polymer...has the ability to form a smooth hard surface...and also provides additional corrosion resistance" (column 6, lines 29-33).

The applicant asserts that Dewey is nonanalogous art. The examiner respectfully disagrees. Dewey is pertinent to the particular problem with which the applicant was concerned. The problem with which the applicant was concerned was determining which polymer basecoat material possesses the desired material characteristics of a basecoat layer used on an article such as a faucet. Simmons discloses the use of a polymer layer, in place of a nickel layer, in applications such as faucets, to provide improved corrosion resistance and to level substrates by forming a smooth hard surface (column 2, lines 9-45 and column 6, lines 15-44). Considering that Dewey teaches that a polymer comprised of epoxy-urethane may be used in a number of applications, including as a coating (column 1, lines 5-20 and lines 54-68), and that epoxy-urethane is an extremely tough, hard, and rigid polymer material (column 3, lines 21-32), Dewey is pertinent to the particular problem with which the applicant was concerned which is selecting a polymer with the desired material characteristics to function as a basecoat layer of an article such as a faucet.

 10/26/04
ANDREW T. PIZIALI
PATENT EXAMINER


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